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OXFORD PAMPHLETS ON WORLD AFFAIRS  
No. 33

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# LABOUR UNDER NAZI RULE

BY  
WILLIAM A. ROBSON

OXFORD  
AT THE CLARENDON PRESS  
1940

HITLER's achievement in abolishing unemployment has been much admired outside Germany as well as inside. The extent to which industrial servitude and regimentation have been exacted as the price of that achievement is either not realized, or is glossed over as though it were merely an irrelevant incident. This Pamphlet describes the sweeping changes that have been made by the Nazi régime in the status and organization of labour, from the liquidation of the highly progressive German working-class movement in 1933 down to the system of unmitigated industrial conscription introduced since 1938. 'The employed masses of German men and women have ceased to be free citizens of the world of labour. They have entered a state of peonage the like of which has not been seen in the countries of Western Europe for centuries.'

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*First Published 4th July 1940*

*Reprinted 15th July 1940*

*Printed in Great Britain and published by*  
THE OXFORD UNIVERSITY PRESS, *Amen House, E.C.4*  
LONDON EDINBURGH GLASGOW NEW YORK TORONTO  
MELBOURNE CAPE TOWN BOMBAY CALCUTTA MADRAS  
HUMPHREY MILFORD *Publisher to the University*

## LABOUR UNDER NAZI RULE

THE position of the workers in a community is not only extremely important as an index of economic and social welfare, but it is also highly significant from a political point of view. Fundamental changes in the purposes or constitution of a régime are quickly reflected in an alteration of the status and condition of the labouring masses. It would be possible to cite innumerable instances drawn from past and present times to illustrate the close connexion between the status of the workers and the political régime under which they live.

The tremendous change which German labour has undergone since the accession to power of the Nazi party is, therefore, in no way a matter for surprise. It is, nevertheless, of great significance as an indication of the underlying aims and philosophy of the Hitler government.

Before 1933 Germany was one of the most progressive countries in the world so far as the position of organized labour was concerned. The German working-class movement started to emerge on its industrial side about 1860, and, except for a period of legal proscription under Bismarck between 1878 and 1890, trade unions grew continuously until 1922, when the membership reached a peak of over nine millions. Thereafter the numbers declined to rather less than six millions in 1929. On its political side, the movement founded the Social Democratic party as early as 1890; and by 1914 this party polled nearly 4½ million votes, a third of the whole electorate. Bismarck, although



strongly hostile and repressive towards the Socialist movement, was a pioneer in initiating a system of social insurance in Germany.

### **Labour under the Weimar Republic**

After the Great War of 1914-18 the most striking advances were made in German industrial relations.

Collective bargaining had hitherto not been fully recognized under the civil law. One of the first steps after the revolutionary upheaval which accompanied the defeat of Germany was an Order (dated 23 December 1918) regulating collective bargaining. This decree gave exclusive recognition to trade unions as contracting parties on the workers' side, and conferred a new and enhanced status on the collective bargain. The Order was confirmed by an Act of the National Assembly in March 1919. It gave an immense impetus to the practice of collective bargaining, and in consequence to the power of the trade unions. It authorized the Minister of Labour to extend a collective agreement, under certain conditions, to unorganized workers. By 1922 the conditions of employment of more than 14 million workers were determined by collective agreements.

In 1919 legislation provided for a maximum working day of eight hours and a maximum working week of forty-eight hours, a break of thirty-six hours of continuous rest during the week, a half-holiday on Saturday, and restrictions on night work. Although inroads were made later on these standards, it is nevertheless true that throughout the life of the Weimar Republic Germany remained substantially in advance of England and the United

States in the protection afforded to her workers against excessively long hours of work.

The most important feature of working-class progress in Germany was, however, the establishment of works councils 'to protect the common interests of employees against the employer'. The Works Councils Act, 1920, set up works councils in all establishments employing twenty workers or more. The members were elected by the employees alone from among their own ranks, and the number varied from three to thirty according to the size of the enterprise.

The works council was authorized to co-operate with the management in improving industrial efficiency and in introducing new labour methods. It was empowered to promote industrial peace; to supervise the carrying out of collective agreements; to negotiate with the employer on the question of works rules. It was to assist the factory inspectors in improving industrial hygiene and in reducing the number of accidents. It was to co-operate in the administration of welfare schemes in the factory.

The works councils were not designed to usurp the functions of the trade unions; on the contrary, they depended for their success on the closest collaboration with the unions. The general regulation of wages and hours was not normally dealt with by the works council, except in so far as this was covered by works rules (*Arbeitsordnung*), for which its approval was required. It could intervene to prevent the dismissal of workers, or appeal on their behalf to the Labour Court to secure reinstatement or the payment of monetary compensation as an

alternative. It was charged with seeing that industrial legislation was duly observed by the employer. It could demand a quarterly report from the employer concerning wages, output, profits, and other matters relevant to the claims of labour. It had access to wages books and other information. It could require the presentation of accounts with full explanations. It had a statutory right to nominate one or two members on the board of directors of a joint stock company.

The works councils were extremely successful in regard to that part of their work which concerned the safeguarding of the employees' immediate interest: in such matters, for example, as the supervision of collective bargains, the protection of individual workmen against victimization or harsh treatment, and in generally upholding the workers' rights in office, mine, and factory. They were on the whole far less effective in respect of those functions which were intended to enable them to participate in the management of the enterprise.

Taking it all in all, the Works Councils Act unquestionably constituted a decisive step in the direction of industrial democracy. The works council movement represented, indeed, the most notable rise in the status of the workers by hand and brain which occurred in the Western countries during the last twenty years.

Another progressive measure was the Labour Courts Act, 1926. This set up local Labour Courts, district Labour Courts of appeal, and a Reich Labour Court at Leipzig to act as the ultimate tribunal of revision.

The jurisdiction of these courts was very wide,

and included all labour cases previously coming before the civil courts. They were competent to decide questions relating to particular disagreements between individual employers and employees, and disputes arising out of collective agreements.

Elaborate machinery for conciliation was also set up. This was of two kinds: official conciliation boards or conciliators appointed by the Ministry of Labour; and unofficial or voluntary conciliation organs.

Where no settlement of a trade dispute could be obtained by agreement, one of the conciliation officers (*Schlichter*) or the Minister of Labour could in the last resort declare a decision to be binding on both parties. Such awards were intended to be imposed only in very exceptional circumstances; and the main responsibility for determining the conditions of employment was originally left with the representatives of the industry.

Gradually, however, more and more use came to be made of the Government's powers until, under the Brüning administration, the actual declaration or the contingent possibility of a compulsory wage award by one of the conciliation officials became of great importance in industrial negotiations. This development had the effect of weakening the power and undermining the influence of the trade unions because they were unable to demand conditions better than those fixed by the official award or likely to be so fixed. It thus contributed to the disastrous breakdown in the power of organized labour when it was faced with the Nazi challenge in 1933.

This brief account will give some idea, however inadequate, of the remarkable position attained by

labour under the Weimar Republic. Great advances were made in the power of trade unions; a vast extension took place in the scope of collective bargaining; the works councils enabled the employees to safeguard and uphold the rights of the workers in a new and unprecedented manner; the labour courts gave the representatives of the workpeople an equal share with the employer's representatives in the judicial determination of industrial disputes; while the conciliation machinery did much to promote the peaceful settlement of large-scale conflicts. The trade unions were, moreover, entrusted with important functions in the administration of the social insurance system.

At every point the right of the organized workers to be represented by men of their own choosing was recognized. At every stage the force of law was given to rights previously non-existent or existing only precariously here and there as a matter of practice. In every instance the manifest aim of the State was to promote freedom and responsibility for the workpeople, and to assist them in the struggle for industrial democracy. The régime remained capitalist, and therefore did not satisfy the revolutionary wing of the working-class movement, which demanded a fundamental change in the economic order; but its achievements represented an enormous advance for labour over the previous condition of affairs.

### **The Liquidation of the Working-class Movement**

The subject of industrial relations engaged the attention of the Nazi Government shortly after its accession to power. Hitler became Chancellor in

January 1933. On 2 May the Nazis seized all trade-union buildings, arrested all the union leaders, and confiscated the trade-union property. In the following month the Social Democratic party was suppressed and the few remaining leaders taken into custody. In July the formation of all new parties was forbidden. From that moment the German labour movement was liquidated. It has been truly said that Germany no longer has any working-class organization in the accepted meaning of the term.

In January 1934 the Nazis promulgated the 'Act for the organization of national labour' in which the leading principles of the new dispensation are to be found. This statute repealed eleven Acts and Orders containing almost the whole mass of labour law which had been passed since 1918.

The first part of the National Labour Act deals with the leader of the establishment and the confidential council. In each establishment the owner of the undertaking as the leader (or *Führer*) and the salaried and wage-earning employees as his followers or vassals (*Gefolgschaft*) are directed to 'work together for the furtherance of the purposes of the establishment and for the benefit of the nation and the State in general'. There are several exhortatory provisions of this kind which have no precise meaning and no legal significance whatever.

The proprietor of a business is transformed by the Act into its *Führer*, but the change is merely verbal. The Act lays it down that the leader is to make decisions for his followers in all matters affecting the establishment. He is enjoined to promote their welfare, and they in turn are bidden to

be loyal to him as fellow members of the works community. The owner, or directors of a company, may appoint a person taking a responsible part in the management to represent him or them.

In establishments employing not less than twenty persons *Vertrauensmänner* ('confidential men') are to be appointed from among the followers to advise the leader. Under his presidency they constitute the *Vertrauensrat* ('confidential council') of the works or business.

### The Confidential Council

The size of the confidential council varies from two to ten persons, according to the magnitude of the undertaking. A confidential man must be not less than twenty-five years old. He must have worked in the undertaking for at least a year and have been engaged in the same occupation for at least two years. He must be in possession of civic rights and belong to the German Labour Front. He must, moreover, be 'characterized by exemplary human qualities, and guaranteed to devote himself unreservedly at all times to the National State'. He must, in short, be a complete Nazi.

That this is the obvious intention is made clear by the method of appointment. The Act required that once a year the leader of the establishment should draw up a list of confidential men in agreement with the chairman of the Nazi 'cell' or party unit in the business. The faithful vassals were then supposed to have the privilege of voting for or against the list by ballot. If the works *Führer* and the local Nazi chairman could not agree on

the persons to be nominated, or if the followers failed to approve the list, the Labour Trustee—a State official of whom more will be said later—was authorized to appoint the confidential council.

Even this slight opportunity given by the original Act for the workers to register their approval or disapproval of the list of persons nominated for the confidential council was withdrawn at an early stage. Since 1935 there have been no further 'elections', and the confidential men who then held office have been continued in their positions ever since.

The functions of a confidential council are vastly different from those performed by a negotiating organ in countries where the workers are free to appoint their own representatives to bargain or co-operate with the employer or his association. The all-important questions of wages and hours of work are removed from its jurisdiction.

Instead, the council is entrusted with the duty of 'strengthening mutual confidence within the works community'. It may give advice concerning measures directed to increasing efficiency; the formulation and carrying out of the general conditions of employment; safety measures, and the strengthening of the ties which bind the various members of the establishment to one another and to the establishment. It must endeavour to settle disputes within the factory. Its views must be obtained before penalties are imposed under the factory rules.

In all these matters the council exercises only advisory powers. The employer is not compelled to accept its recommendations. Nor is there any



indication of the manner in which the bonds of community within the undertaking are to be strengthened.

On National Labour Day (1 May) the members of the confidential council are required to take a solemn oath before the followers 'to perform the duties of their office exclusively for the benefit of the establishment and of the nation as a whole, setting aside all private interests, and to set an example to the members of the establishment by the life which they lead and the way in which they perform their duties'. This ludicrous ceremony scarcely amounts to more than an attempt to overcome the conflict of interests between employer and employees by means of a verbal incantation. It is obvious that where the instruments of production and distribution are privately owned (as they are in Germany) the interests of the partners in production—labour and capital—are in some respects similar and in other respects conflicting. As against other industries or rival undertakings in the same industry or as against consumers or in any sphere where there is a struggle to obtain a larger share of the national income, there is within a particular commercial or industrial undertaking a genuine identity of interest between employer and employees. But within each industrial or commercial firm there is also a conflict of interest between the employees, who desire a higher rate of wages, and the employer, who seeks a higher rate of profit or increased earnings of management. No mouthing of verbal formulae emphasizing the works community and the subordination of private interests to the common welfare will abolish this

conflict so long as the objective conditions which produce it are unchanged. There is no objective change of this kind in Nazi Germany.

The confidential council is to be convened when necessary by the leader of the firm or at the request of half the confidential men. The office is an honorary one, and terminates when the holder of it leaves his employment or resigns. A confidential man may not, however, be dismissed unless economic conditions necessitate the closing of the works or department in which he is employed; or unless he commits misconduct. But he may be removed by the Labour Trustee on the grounds of his unsuitability in circumstances or person.

### **The Labour Trustees**

The all-powerful labour trustees (*Treuhänder der Arbeit*) are Reich officials appointed by the Government for large economic areas. They come under the direction of the Minister of Labour. Their task, broadly, is to ensure the maintenance of industrial peace. They are aided immensely in this task by the fact that strikes and lock-outs are not tolerated and although not formally proscribed by law would be instantly suppressed by strong-arm methods; that there are no trade unions; that agitators or even critics of industrial conditions are sent without delay to a concentration camp. But they are given a number of positive powers by which to achieve their statutory purpose. They supervise the formation and activities of the confidential councils; they are authorized to give decisions where an appeal is lodged by a majority of the confidential council

against the general conditions of employment formulated by an employer—a power which is seldom invoked since the confidence men are not the representatives of the workers; they supervise the observance of the factory or workshop rules; they lay down principles guiding the general lines on which factory rules and individual contracts of employment are to be framed. Most important of all, they can lay down wage-rates for all classes of workers. At first their power in this respect was confined to the fixing of minimum rates of remuneration in cases where it was ‘urgently needed for the protection of the persons employed in a group of establishments’. Between 1934 and the end of 1937 several thousand wage determinations of this kind were issued. The policy was to maintain the basic wage-rates operating at the beginning of 1934. But these were minima, and employers were free to offer higher rates if they wished.

Since 1938, however, a decree promulgated to implement the Four-Year Plan has enabled the labour trustees to fix maximum as well as minimum rates in all branches of industry. Any departure from the scheduled rate is punishable by imprisonment or fine of unlimited amount. On the outbreak of the present war the labour trustee was authorized to lay down employment conditions even for a particular factory or firm. In this way the control over remuneration has passed from the trade union and the employers’ association to a non-elective public official; the voluntary collective bargain has been superseded by the coercive wage determination.

The labour trustees have many other powers and

duties, some of which will be mentioned later. They act as the eyes and ears and mouthpiece of the central government in all matters concerning labour conditions. The tendency has been to increase their powers and importance since they were first created in 1934. Under the National Labour Act it is a criminal offence for any person wilfully and repeatedly to contravene instructions issued by a labour trustee.

The labour trustees were required to appoint councils of experts from the various branches of industry in their territory for consultation on general questions. Three-quarters of the members were to be chosen from lists drawn up by the German Labour Front, and had to contain a considerable proportion of confidential men and an equal number of employers. The labour trustees may also appoint committees of experts to advise them in individual cases. These advisory bodies are of so nebulous a character, and their powers so ill defined, that they need not be seriously considered as a brake on the wheel of autocracy. In practice they have been a dead letter. On 1 September 1939 a decree was issued permitting the labour trustees to determine the guiding principles for establishment rules and individual contracts of employment, and to issue collective rules, without consulting a committee of experts.

### **Social Honour Courts**

The National Labour Act set up a series of institutions known as Social Honour Courts. These consist of the Labour Court judges sitting

with assessors appointed from nominees of the German Labour Front drawn from employers and confidential men. They are authorized to try 'gross breaches of the social duties based on the works community' which constitute offences against social honour.

Offences of this kind are deemed to have been committed when an employer or other person in a managerial position abuses his authority by 'maliciously exploiting the labour of any of his followers or wounding their sense of honour'; when a follower—that is, an employee—endangers industrial peace by maliciously provoking other followers, and in particular when a confidential man interferes unduly in the conduct of the business or disturbs the community spirit within the works; when a worker repeatedly makes frivolous and unjustifiable complaints to the labour trustee or obstinately disobeys instructions; and when a member of the confidential council reveals without authority any confidential information or technical or business secrets.

Where it is proved that by one of these means an offence against the highly sensitive German social honour has been committed, the Honour Court may warn or reprimand the culprit, fine him up to 10,000 Reichsmark, disqualify him from holding the position of leader of the establishment or confidential man, or remove him from his post. It is worth noting that where a leader is disqualified, the proceedings apply only to his capacity as *Führer* under the National Labour Law and do not affect his proprietary position as employer. The labour trustee is once again placed in a pivotal

position, since it is on his application that the matter comes before the Social Honour Court. He may attend the trial and make recommendations.

Once again, too, we find in this part of the National Labour Act an incantation reflecting the position of submission into which the labouring masses have been forced by their present masters. Every member of a works community, it is declared, shall be responsible for the conscientious performance of the duties incumbent upon him in consequence of his position in that community. 'He shall conduct himself in such a manner as to show himself worthy of the respect due to his position in the works community. In particular, he shall devote all his powers to the service of the establishment and subserve the common good, always bearing in mind his responsibility.' This is not law by any possible definition. It is a mere doctrine of obedience at all costs and in all circumstances.

The Social Honour Courts were probably never intended to be much more than a window-dressing display. A number of cases were brought before them in 1934 and 1935, but since 1936 they have possessed little importance.

### **The Abolition of Unemployment**

The most conspicuous feature of the Nazi régime in the field of industry has been the abolition of unemployment. The number of unemployed when Hitler took office was in the neighbourhood of 7 millions, and one of the first aims of his government was to remove this dangerous threat to economic and political stability.

The elimination of the curse of unemployment

from the Third Reich is an undeniable fact. The unchallenged statistics show a progressive reduction of unemployed workers from 6 millions at the beginning of 1933 to 4·8 millions in June 1933 and 3·7 millions in October of the same year; thence it fell to an average of 2,268,000 in 1934, 2,150,000 in 1935, 1,076,000 in October 1936, and 502,000 in 1937. Since then there has been a continual shortage of labour in Germany. The unemployment problem has disappeared, and persons out of work are either unemployable, in course of changing their jobs, or disqualified from being employed.

No one who is conscious of the misery and waste caused by the chronic unemployment which has existed for so long in Britain and the United States would be disposed to question the magnitude or importance of this achievement. It has been accomplished by a radical transformation of the economic system involving the most stringent controls over every aspect of economic life—prices, profits, wages, hours, consumption, output, foreign trade, currency, foreign exchange, &c. A study of these changes is a technical task for the professional economist. Here we are concerned only with those aspects of economic policy which bear directly on the position of labour. The extent to which industrial servitude and regimentation has been exacted as the price for the elimination of unemployment is either not realized by those who emphasize only the final result or glossed over as though it were merely an irrelevant incident.

The first step was the introduction of 'substitute employment' on a large scale. By this is meant work performed not for money wages but for mere

maintenance. This was provided through the labour service, the land service, and relief works. There was an average of 800,000 persons engaged in labour of this kind in 1934, and in the spring of that year the number exceeded a million. These people were given maintenance in kind on a subsistence level, often under conditions involving considerable hardship.

In June 1933 a law was passed to reduce unemployment, and this indicates the principles on which relief works were supposed to be undertaken almost from the beginning of the Nazi régime. The Minister of Finance was empowered to expend Rm. 1,000 millions with a view to promoting employment in Germany. Among the purposes specifically named were repairs and additions to dwelling-houses and buildings used for administrative work; bridges and other public structures; repairs to farm-buildings and dwellings for agricultural workers; the construction of small suburban settlements and agricultural settlements; the rectification of watercourses; the provision of plant for supplying gas, water, and electricity; subterranean constructional work undertaken by public authorities. It was expressly declared that the unemployed workers engaged in these tasks were not to be regarded as having entered a relation of employment or service within the meaning of the labour laws, and were therefore not entitled to either the protection or the status of an employee. They were to receive unemployment relief (i.e. unemployment benefit, emergency benefit, or public assistance), vouchers to the value of Rm. 25 a month, for the purchase of clothing, linen, and household utensils; and a hot meal on every working day.



The objectives named in the Act were in fact not pursued. The labour made available by it was actually directed almost entirely to rearmament purposes, direct or indirect, including such items as the building of military roads.

### **Labour Service**

In June 1935 the Labour Service Act was passed, by which the German Labour Service was made a permanent feature of the régime. It requires of all young Germans of either sex that they shall serve as industrial conscripts on work of public utility. The strength of the Labour Service was subsequently fixed at 200,000 men and the period of service at six months. Normally the calling up takes place in the nineteenth year of age, but liability to service extends between the ages of 18 and 25.

On 4 September 1939 the strength of the female corps of the National Labour Service was brought up to 100,000 working girls. The National Work Leader was authorized to call up unmarried women between 17 and 25 years of age not engaged in full-time employment, not attending vocational or educational courses, and not urgently required to assist their families in agricultural work. Thus, 300,000 persons a year were absorbed into the Labour Service as industrial conscripts.

In May 1934 a statute was passed regulating what it described as 'the allocation of employment'. This enabled the president of the Reich Institution for Employment Exchanges and Unemployment Insurance to prohibit the engagement, in districts with a high percentage of unemployment, of wage-earning or salaried employees not resident therein.

### Astriction to the Soil

The president could also order that persons employed in agriculture at the date of his instructions, or who had been so employed during the previous three years, should not be employed on other work without permission. Furthermore, industrial or commercial firms, or even private persons employing workers who had formerly been agricultural labourers at any time during the preceding three years, were bound to dismiss them when directed to do so. A little later (in February 1935) the qualification of three years was removed, and the restriction could then operate so as to prevent the further employment of workers who had been engaged in agricultural pursuits *at any time*.

Thus there was introduced by the Nazi Government one of the most reactionary measures in the history of the modern world: an astriction to the soil similar to that which obtained in the Middle Ages, except that whereas in feudal times it was the villein or serf with land of his own who was bound to the soil, in twentieth-century Germany it is the landless agricultural labourer who is not merely bound to the soil but forced to *return* to the land after he has left it.

The peasant was dealt with by the Hereditary Farms Law of 1933 on similar lines. This Act, which applied to farms not exceeding about 300 acres, prohibited the owners from alienating or mortgaging their land. They were entailed so as to pass automatically from father to son. More than 5 million persons living on about 700,000 farms—

about a third of the agricultural population of Germany—were affected by this law.

### The Land Help

Another step in the same direction was the Land Help (*Landhilfe*) which was established early in the Hitler régime. The purpose of this was to settle young unemployed persons on the land. Farmers who engaged such workers received a monthly grant payable out of unemployment insurance funds. The workers themselves received a small allowance in money in addition to their keep. About 160,000–180,000 young men and women were set to work on the land in this way by a method which is strangely reminiscent of the Speenhamland system which prevailed in England during the Napoleonic wars. The essential feature of this system was an allowance paid out of the rates to supplement the wages of able-bodied workmen in low-paid employment. It was often associated with a bread scale graduating the relief according to the price of bread. The complaints which have been made against the modern German Land Help indicate to competent observers that its main use is to reduce unemployment benefit, provide landowners and farmers with cheap labour and strengthen the machinery of compulsion over the individual.<sup>1</sup>

From 1936 onwards a series of measures were introduced covering the rest of the employed population which were of the utmost importance. The frenzied intensification of military preparations by the Nazi leaders, the decision to speed up the con-

<sup>1</sup> *Organized Labour in Four Continents: 'Germany'*, by Erich Roll, p. 114.

struction of the Western fortifications, and the deliberate intention of placing the entire nation on a war footing at a time when Germany was still nominally at peace with her neighbours, led to the imposition of a policy which deprived the industrial population of Germany of the characteristics of free men and marked them with the stigma of helots. This enslavement of the workers was not caused by any external pressure on Germany. It was adopted deliberately as a settled policy.

### **Industrial Conscription**

In June 1938 a decree empowered the government to require any one to perform work of urgent national importance. This order contained a proviso guaranteeing that those who were called up should receive not less remuneration than the wages they had formerly earned. In February 1939 a further decree declared that the official employment exchanges should have power to requisition the services of all persons resident in German territory for the performance of 'any work which the Commissioner for the Four-Year Plan (Goering) might designate to be of particular importance and urgency'. For this purpose private and public employers can be required to release persons in their employment.

The new system is one of unmitigated industrial conscription. There is no stipulation that a man shall be employed in his own trade or occupation, and it is even expressly provided that workers requisitioned for service may be required to undergo a course of training to prepare them for the compulsory work which they have to perform.

There is no limit of time for the period of conscription, no restriction as to the place in which the work is to be carried out, and no provision for enabling married men to be accompanied by their wives and families. Men called up are bound to use their own tools if required.

Workpeople engaged on compulsory labour have no voice whatever in the determination of their wages, hours, or conditions of employment, although they are often required to serve private firms engaged in carrying out the Four-Year Plan on a profit-making basis. They merely have to submit to the terms, whatever they may be, 'applicable to the new place of employment'; and a contract of service is deemed to be concluded on the terms stated in the requisitioning order.

The decree of February 1939 introduced another striking change. The Minister of Labour was given power 'for special national reasons' to prohibit employment from being commenced or terminated without the consent of the employment exchange. A workman is thus not at liberty to leave his employment of his own free will if he is dissatisfied with the wages or conditions or because the employer has treated him badly or because a foreman has been oppressive or for any of the multitudinous reasons which lead to a change of situation under free conditions when discontent or friction arise. He cannot take a better or more convenient job, or move from one town to another for domestic reasons. He cannot refuse to accept a situation which he regards as unsatisfactory or unsuitable, for he can be prevented from obtaining employment elsewhere. The employer, on his part,

is not able to discharge an unsatisfactory or inefficient or discontented workman unless he can satisfy an official that there is good cause for his so doing.

On 1 September 1939 a slight modification was introduced by a further decree. The withdrawal of the right of employers and wage-earning or salaried employees of all grades (including trainees, improvers, and apprentices) to terminate their employment without consent of the Government was reaffirmed, and all notices to quit work given without previous consent were declared null and void. But certain exceptions to the general rule were admitted. Thus, where both parties agree to terminate the contract, the consent of the government employment exchange is not required. The same applies in the case of an employee who has been engaged on probation or as extra assistant and the employment is terminated within one month. A further exception is made if the business has to suspend operations.

The first of these exceptions is the most important. It has the effect of permitting a dissolution of the employment relation by mutual consent, but of not permitting it without the assent of the State where only one of the parties desires to terminate. Thus, the dissatisfied employer must *prima facie* remain dissatisfied with his workman; and the discontented workmen continue at their work—unless the Government wills it otherwise.

This same decree of September 1939 elaborates further the restriction on the engagement of employees laid down in the earlier regulations. It forbids not only business or administrative undertakings of all kinds, but

holders, from engaging workers without the consent of the employment exchange. These provisions are applied also to relatives who regularly assist members of the family, even if they are not employed for wages or salary. Thus, a wife cannot help her husband in his business, nor a son his father, without permission from the State.

Any contravention or evasion of the decree is a criminal offence punishable with fine or imprisonment, or both.

In the National Labour Act, 1934, much space was devoted to 'protection against dismissal'. It contained provisions (adopted with certain modifications from the Works Councils Act) whereby if a worker were dismissed after having worked for a year in an establishment employing not less than ten persons, he could lodge a complaint with the Labour Court asking for a revocation of the dismissal 'if it constitutes an undue hardship and is not necessitated by conditions in the establishment'. The Labour Court could then revoke the dismissal, although it was obliged to award compensation (which might amount to as much as four months' remuneration) to be paid to the worker if the employer preferred to make redress in that form.

The National Labour Act, 1934 (again adapting principles embodied in a decree of 1923), also sought to control large-scale dismissals by requiring every owner of a business employing fewer than 100 persons to notify the labour trustee before dismissing more than nine workpeople; or in the case of larger undertakings, before dismissing 10 per cent. of the persons usually employed

there, and before throwing out of work more than fifty persons in the course of a month. These prospective dismissals would not become operative without the approval of the labour trustee until a period of four weeks had elapsed after sending him the notification; and he could delay them for a maximum period of two months. If the entrepreneur were not in a position to keep his workers fully employed for so long, the labour trustee could authorize short time and a spreading of the work.

Despite several objections which could be brought against these provisions, they were clearly designed on the one hand to give the individual worker an enhanced security, and on the other to assist in reducing or preventing unemployment: that was the manifest reason for interfering with or delaying the employer's right to dismiss. There was, moreover, no coercion or pressure of any kind on the worker. He was free to leave his employment, to change his situation, to enter a fresh occupation at any time.

### **A State of Servitude**

What a chasm separates the benevolent intention of these provisions of 1934, which were essentially a legacy from the Weimar Republic, from the ruthless measures of 1938-9! Within five short years the Nazis had adopted a policy of forced labour for any work which falls within the scope of the Four-Year Plan, whether carried out by private firms for profit or by public authorities. They had compelled those who had ever been employed in agricultural labour to return to their former occupation. They had astricted to the soil



those actually engaged in agriculture whether as farmers or as labourers. They had compelled men to leave their jobs, their trades, their homes, their families, their districts, to work in distant places as industrial conscripts for unlimited periods of time. They had prohibited employees from freely leaving their employment and from freely entering into employment. They had deprived workers of any voice in the settlement of wages, hours, and working conditions. They had destroyed not merely trade unions but the very bases on which trade unionism is founded—the right to strike and the right to quit work.

With these oppressive measures riveted upon them the employed masses of German men and women have ceased to be free citizens of the world of labour. They have entered a state of peonage the like of which has not been seen in the countries of Western Europe for centuries.

The workers of Britain and France are being called upon during the War to accept a degree of regimentation and State Control which may prove not far short of that imposed on the German people. But no comparison whatever can be drawn. Here we give up liberty in order to fight more effectively to retain our freedom. In Germany there never has been and never will be freedom for the workers under Nazi rule.

With us, the political and trade union organization of labour remains intact, shouldering large governmental responsibilities and filling a more important rôle in national affairs than ever before in its history. In Germany, it has been completely obliterated, and will never revive until the Hitler

régime is overthrown. With us, it is a war-time necessity. With them, it is a peace-time policy.

Those who are unduly impressed by the abolition of unemployment in Germany should therefore consider the consequences of Nazi labour policy on the position of the employed. A different judgement is then likely to emerge as to the desirability of that policy. It is true that the most comprehensive suppression of the workers' freedom came in 1938-9, after the worst phases of unemployment had been mastered. But the main principles of the industrial tyranny practised in these later years were inherent in the policies adopted from 1934 onwards. The solution of the unemployment problem is a task for which everyone with any intelligence or humanity must feel a deep concern; but no sane person would be willing to sacrifice the elementary rights, liberty, and welfare of the 80 or 90 per cent. of the working-class population which is employed for the sake of the 10 or 15 per cent. which is without work.

### **The Labour Front**

A word must now be said about the Labour Front. This is the only association which the workers are permitted to join; but it is in no sense a genuine labour organization. It is a vast institution containing both employers and employed—a kind of 'company union' (to use an American expression) on a national scale, but one which is dominated and directed by the Nazi party. Its aim was described in sonorous phrases in a decree of October 1934 as being the formation of 'a real community of achievement amongst the whole

German people . . . It must seek to ensure that every individual can take his place in the economic life of the nation in that mental and physical condition which will make for his greatest achievement, and thereby secure the greatest gain to the community as a whole. . . . The Labour Front must seek to preserve industrial peace by inculcating in economic leaders an understanding of the legitimate claims of their followers, and in the followers an understanding of the situation and the possibilities of the business in which they are working.' And so on in similar vein.

The ostensible functions of the Labour Front are threefold: it supervises vocational training; it is concerned with various aspects of welfare, such as working-class housing, amenities in factories and workshops, the relief of distress among its members; and it administers the 'Strength through Joy' movement. In all these spheres it no doubt gives or obtains for the workers benefits that they would not otherwise obtain in the present state of Germany, but which they obtained in larger measure in pre-Nazi days through the activities of the trade unions. It has at its disposal considerable financial resources and the authority of the Nazi party.

The funds of the Labour Front are chiefly derived from contributions levied on the members, substantial in amount and compulsory in character. No account is rendered of these funds. The Labour Front is thus from one point of view a powerful instrument for the collection of additional taxation from employers and workpeople alike. It also serves an ominous but highly important purpose in keeping the authorities 'informed' of

any disloyalty or discontent manifested by employers and workers. Through its complicated organization it is able to maintain a close surveillance on the individual employer and workman.

The Labour Front is essentially a substitute organization designed to fill, in appearance at least, the aching void left by the disappearance of the trade unions, the political parties, and the working-class representation in local, provincial, and central government—just as the confidential council is a substitute for the enormous gap made by the abolition of the works council. The ghosts of the past walk again.

The Labour Front has no jurisdiction in regard to wages, hours, and conditions of employment. The Ministry of Labour has, indeed, issued frequent decrees and pronouncements enjoining the officials of the Labour Front not to interfere in these matters, which, as we have seen, are determined by the labour trustees. Even in regard to industrial welfare it can do no more than recommend, though the Nazi officials who direct it no doubt have at their disposal methods of securing compliance.

### **‘Strength through Joy’**

The ‘Strength through Joy’ movement is essentially a diversion. By providing millions of workers with facilities for cheap holidays and travel excursions, by organizing entertainments, concerts, dances, athletics and games on a vast scale, it has done much to keep the German working man amused, or bemused, and his attention diverted from present discontents. It is obviously derived

from the *dopo lavoro* instituted several years previously in Fascist Italy.

The name of the movement is significant. By emphasizing the acquisition of strength through the enjoyment of recreations and leisure time activities, an attempt is made to keep the thoughts of the workers headed away from the central fact of the present situation: namely, the total annihilation of their organized power.

### Conclusion

Divergent views are held by observers in this country and elsewhere as to the general trend of the German economy. Some investigators regard the Nazi régime as having re-established capitalism on a basis of monopoly, autarchy, and governmental control. Others consider the Third Reich to be a form of perverted communism in which the sole aim is the lust for State power. A third view suggests that Hitler's Germany is simply a military dictatorship in which the only criterion of economic measures is the war potential of the nation.

It is not necessary to decide which, if any, of these doctrines is the correct one, in order to arrive at one conclusion of unquestionable truth: namely, that the status, the freedom, the power, and the conditions of work of the employed workers in Germany have deteriorated to an almost inconceivable extent under the Nazi Government.

## PUBLISHER'S NOTE

FOR those who wish to read in more detail about the background and causes of the present state of the world, the following notes may be of some assistance.

The best and most up-to-date general picture of England as she was from the rise of Germany in 1870 to the outbreak of the First World War is given in Mr. Ensor's book *England 1870-1914* (15s.), which is Volume 14 of the new *Oxford History of England*. A reliable German account of German foreign policy during the same period is given in E. Brandenburg's *From Bismarck to the World War* (trans. by A. E. Adams, 15s.). Mr. C. R. M. F. Cruttwell's *History of the Great War 1914-1918* (15s.) may be recommended as the standard one-volume work on the subject. Mr. G. M. Gathorne-Hardy deals with the period between the two wars in his *Short History of International Affairs, 1920-1938* (8s. 6d.), a book issued under the auspices of the Royal Institute of International Affairs.

The two volumes of *Speeches and Documents on International Affairs*, edited by Professor A. B. Keith (World's Classics, 2s. 6d. each), and the selection of political writings in Sir Alfred Zimmern's *Modern Political Doctrines* (7s. 6d.) illustrate the conflict of doctrines so much in evidence to-day.

The outbreak of the present war is described and discussed in the brilliant series of lectures delivered to crowded audiences in Oxford in the first 'war-term' of 1939 by H. A. L. Fisher, A. D. Lindsay, Gilbert Murray, R. C. K. Ensor, Harold Nicolson, and J. L. Brierly, and collected and published in one volume under the title *The Background and Issues of the War* (6s.).

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